

TWENTY-SIXTH DAY

(Monday, March 2, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Baker	Moore
Bradshaw	Parkhouse
Colson	Phillips
Dies	Ratliff
Fly	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

Absent—Excused

Crump	Gonzalez
Fuller	Owen

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Almighty and merciful God, ancient Israel looked unto the rock when they were hewn, the hole of the pit whence they were digged. On this Memorial Day may we look unto Washington-on-the-Brazos whence we have come. And as men died for our independence, may we live to keep it so; and the God of our fathers be with us yet, lest we forget. We pray in Christ's name. Amen."

Leaves of Absence

Senator Crump was granted leave of absence for today on account of important business on motion of Senator Kazen.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Roberts.

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Senator Gonzalez was granted leave of absence for today on account of important business on motion of Senator Kazen.

Senate Resolution 136

Senator Baker offered the following resolution:

Whereas, The Senate of the State of Texas wishes to commend the Eta Tetarton Chapter of Phi Sigma Kappa, the Chinar Grotto, the Arabia Temple, the Saroptimist Club for bringing to Houston the National Danish Gymnastic Team to raise money for the Cerebral Palsy; and

Whereas, Ten per cent of the proceeds did go to the Phi Sigma Kappa scholarship fund and was shared equally by Houston University students and the performers with the Cerebral Palsy Fund receiving the remainder; now, therefore, be it

Resolved, That the Senate of the State of Texas congratulate the organizations and members of this fine and talented team in this dual effort, and those who supported them for the benefit of Cerebral Palsy and education and wishes for them all continued success.

The resolution was read.

On motion of Senator Baker and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Martin:

S. B. No. 241, A bill to be entitled "An Act amending Article 14.17 of the Insurance Code of the State of Texas so as to further define associations not coming within the provisions of Articles 14.16 and 14.17; providing a severability clause; and declaring an emergency."

To the Committee on Insurance.

By Senator Herring:

S. B. No. 242, A bill to be entitled "An Act repealing Section 3A, Chapter 44, Page 64, Acts 49th Legislature, Regular Session, 1945, concerning sale of sand and gravel by the City of Austin; and declaring an emergency."

To the Committee on State Affairs.

By Senator Secrest:

S. B. No. 243, A bill to be entitled "An Act prescribing duties of the Comptroller of Public Accounts in reference to the cancellation of Bonds of Public Corporations (as defined herein) which are no longer useful and which are in the safekeeping of such officer, enacting other provisions related to the subject, and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 244, A bill to be entitled "An Act amending Section 23 of the Uniform Narcotic Drug Act, Chapter 169, Acts of the Forty-fifth Legislature, Regular Session, as last amended (Codified in Vernon's Penal Code as Article 725b) by adding a third (3rd) sub-section containing provisions relative to certain offenses committed by persons other than adults, and involving persons under nineteen (19) years of age; and providing penalties for said offenses; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Willis.

S. B. No. 245, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 305, Acts of the Fifty-third Legislature, Regular Session, 1953, Chapter 288, page 733, codified in Vernon's Penal Code as Article 534a, by adding Section 2a thereto; making specific provisions relating to a child or children under nineteen (19) years of age, and providing that rendering aid or encouragement to such child or children in the acquisition or use of intoxicating liquor or narcotics in instances other than upon orders of physicians or upon the direction of a parent or person standing in lieu thereof shall constitute an offense of encouraging or contributing to child delinquency under the Act, and for punishment as provided therein; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Willis:

S. B. No. 246, A bill to be entitled "An Act amending Section 26 of Article I of Chapter 467, Acts of the 44th Legislature, Second Called Ses-

sion 1935, as amended (codified as Article 666-26 in Vernon's Penal Code of the State of Texas) by adding thereto a Sub-section (c) making it unlawful for any person to sell any liquor to any person under nineteen (19) years of age; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Bradshaw:

S. B. No. 247, A bill to be entitled "An Act amending Article 21.43 of Chapter 21 of the Texas Insurance Code (Acts of the 1951, 52nd Legislature, Chapter 491) by retaining the present provisions thereof and adding thereto a paragraph providing that no foreign or alien insurance corporation shall be refused a license to do business within this State on the ground that all of its authorized capital stock has not been fully subscribed and paid for; providing that the prescribed minimum capital stock shall have been subscribed and paid; providing that any such corporation shall have the required minimum surplus; providing for full compliance with certain laws of its domiciliary State; repealing all laws or parts of laws in conflict with this Act; providing a severability clause; and declaring an emergency."

To the Committee on Insurance.

By Senator Bradshaw:

S. B. No. 248, A bill to be entitled "An Act to amend Article 2.08 of Chapter 2, of the Insurance Code (Acts of the 1951, 52nd Legislature, as amended by the Acts of the 1955, 54th Legislature, page 413, Chapter 117, Section 9) to provide that items of capital stock and minimum surplus shall consist only of cash, bonds of this state or of the United States or guaranteed as to principal and interest by the United States, insured first mortgages or unencumbered real estate in this state, provided that investment of such notes shall not exceed one-half ($\frac{1}{2}$) of the capital stock and minimum surplus of the investing company, and in evidences of indebtedness of any county, city or other municipality of this state; repealing conflicting laws and parts of laws to the extent of such conflict; containing a savings clause; and declaring an emergency."

To the Committee on Insurance.

By Senator Roberts:

S. B. No. 249, A bill to be entitled "An Act establishing the Hunt County Juvenile Board; prescribing its membership and powers; providing for compensation of its members; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
March 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Labor and Management Relations, to whom was referred S. B. No. 3, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PARKHOUSE, Chairman.

Senate Resolution 137

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, five students from the 7th Grade Class of Lamar Junior High School of Austin, Texas, accompanied by their sponsor, Mrs. Jean Satsky; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mrs. Satsky to the Members of the Senate.

Senate Resolution 138

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 6th Grade Class of Brentwood School in Austin, Texas, accompanied by their teacher Mrs. M. Palakoff and their sponsors, Mrs. Wm. Brydson, Mrs. M. Seale, Mrs. R. Faith and Mrs. W. Zivley; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to the class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and teacher and sponsors to the Members of the Senate.

Senate Resolution 139

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Messrs. James L. Hanry, W. R. Gaston and Wm. H. Harrison, prominent citizens of Wichita Falls, Texas; and

Whereas, We desire to welcome these distinguished guests to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended an official welcome.

The resolution was read and was adopted.

Senator Moffett by unanimous consent presented the distinguished guests to the Members of the Senate.

Senator Resolution 140

Senator Dies offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Clark Anderson of Lufkin; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Dies by unanimous consent presented Mr. Anderson to the Members of the Senate.

Bills Signed

The President signed in the presence of the Senate after the captions had been read the following enrolled bills:

S. B. No. 46, A bill to be entitled "An Act amending Article 8274 of the Revised Civil Statutes of Texas of 1925, as amended, relating to the rate of pilotage for each foot of water which the vessel at the time of piloting draws, which may be fixed under Articles 8267 and 8269 on any class of vessels in any port of the state so as to include the Port of Galveston; providing a repealing clause; and declaring an emergency."

S. B. No. 67, A bill to be entitled "An Act constituting a local law for the further maintenance of public highways, by authorizing the Commissioners Court of Gaines County to expend proceeds of road bonds heretofore and hereafter voted by said county for the purpose of providing for drainage of state highway rights-of-way and adjacent lands where such drainage is made necessary by the construction, widening or improvement of such highways; enacting other provisions relating to the subject; and declaring an emergency."

S. B. No. 182, A bill to be entitled "An Act to amend Article 908, Chapter 6 of the Penal Code of Texas, as amended, to provide a non-resident license for use only on state-licensed shooting resorts from October 1 to April 1; to set the shooting resort season on quail at October 1 to April 1, the same period as for chukar, pheasant, or any other pen-raised fowl; and declaring an emergency."

Observance of Texas Independence Day

The President announced that pursuant to the provisions of Senate Resolution 50 previously adopted by the Senate, Senator Hardeman would read the Declaration of Texas Independence and make such remarks as he desired pertinent to the observance of Texas Independence Day.

Senator Hardeman proceeded to the Secretary of the Senate's Reading Desk and addressed the Senate as follows:

Mr. President and Members of the Senate:

For the benefit of the new Members and interested visitors concerning this ceremony, I should like to point out that this follows a custom that was begun some years ago as the result of a Resolution I offered.

I think it is a fine thing for this body to pause in its work and let our minds reflect on the glorious past of this great commonwealth. I only hope that it will become a part of the fine traditions of the Senate of this State and will suggest a rededication by all those who serve and of those who follow to the great principles of liberty and humanity set forth in this document.

The result of the handiwork of The Great Convention at Washington, where the work of liberty was begun in Texas, on March 2, 1836, represents Americanism at its best.

It is the one and only document of Texas with which no one has found fault, offered an amendment or a new model.

If Texans, be they native-born or adopted sons and daughters, should know anything, surely it should be this declaration—its fearlessness, its determination, its simple, direct and courageous language and its scholarly beauty.

Following an accumulation of tyrannical craftiness begun about 1830 and reaching an intolerable situation in 1835, it was apparent that no longer could Texans compromise and temporize with the Mexican despots. It is in such a moment that men—desirous of freedom—cross the Rubicon or write a Declaration.

For whatever may be in the name, Washington-on-the-Brazos became the birthplace of the second American Republic.

When George Childress and his

committee of five composed of himself, Collin McKinney, Bailey Harde-
man, James Gaines and Edwin Con-
rad, presented the draft it was unani-
mously adopted within an hour fol-
lowing its first and only reading
without change or discussion.

I should feel remiss and thought-
less, indeed, were I to fail to men-
tion the names and contributions of
three Mexican patriots who were
members of the convention. These
were, of course, Colonel Lorenzo de
Zavala, of Spanish blood, whose por-
trait adorns the walls of this Cham-
ber, Don Francisco Ruiz and Don
Jose Antonio Navarro.

It was under the leadership of
General Sam Houston that there fol-
lowed the establishment of a govern-
ment and the creation of a Constitu-
tion for the preservation of the great
principles of the Declaration.

His prophetic words, spoken from
the floor of the Convention, were as
follows:

"The morning of glory is dawning
upon us. The work of liberty has be-
gun. Our actions are to become part
of the history of mankind."

Mr. President, for the honor ac-
corded me in being designated to
read this immortal document, which
ranks with those of Mecklenburg and
Philadelphia, I am most grateful.

It is as follows—

THE UNANIMOUS DECLARATION OF INDEPENDENCE

made by the Delegates of the
People of Texas in General
Convention at the Town of
Washington on the 2nd day
of March 1836

When a government has ceased to
protect the lives, liberty and prop-
erty of the people, from whom its
legitimate powers are derived, and
for the advancement of whose hap-
piness it was instituted; and, so far
from being a guarantee for the en-
joyment of those inestimable and in-
alienable rights, becomes an instru-
ment in the hands of evil rulers for
their oppression: When the Federal
Republican Constitution of their coun-
try, which they have sworn to sup-
port, no longer has a substantial ex-
istence, and the whole nature of their
government has been forcibly changed,
without their consent, from a restrict-
ed federative republic, composed of
Sovereign States, to a Consolidated,

Central, military despotism in which
every interest is disregarded but that
of the army and the priesthood—both
the eternal enemies of civil liberty,
the ever-ready minions of power, and
the usual instruments of tyrants:
When, long after the spirit of the
Constitution has departed, moderation
is, at length, so far lost, by those in
power that even the semblance of
freedom is removed, and the forms
themselves, of the Constitution dis-
continued; and so far from their pe-
titions and remonstrances being re-
garded the agents who bear them are
thrown into dungeons; and mercenary
armies sent forth to force a new gov-
ernment upon them at the point of
the bayonet: When in consequence of
such acts of malfeasance and abdica-
tion, on the part of the government,
Anarchy prevails, and Civil Society
is dissolved into its original elements;
In such a crisis, the first law of na-
ture, the right of self-preservation—
the inherent and inalienable right of
the people to appeal to first principles
and take their political affairs into
their own hands in extreme cases—
enjoins it as a right towards them-
selves and a sacred obligation to their
posterity to abolish such government
and create another, in its stead, cal-
culated to rescue them from impend-
ing dangers, and to secure their fu-
ture welfare and happiness.

Nations, as well as individuals, are
amenable for their acts to the public
opinion of mankind. A statement of
a part of our grievance is, therefore,
submitted to an impartial world, in
justification of the hazardous but un-
avoidable step now taken of severing
our political connection with the Mex-
ican people, and assuming an inde-
pendent attitude among the nations of
the earth.

The Mexican government, by its
colonization laws, invited and induced
the Anglo-American population of
Texas to colonize its wilderness under
the pledged faith of a written Con-
stitution that they should continue
to enjoy that constitutional liberty
and republican government to which
they had been habituated in the land
of their birth, the United States of
America. In this expectation they have
been cruelly disappointed, inasmuch
as the Mexican nation has acquiesced
in the late changes made in the gov-
ernment by General Antonio Lopez de
Santa Anna, who, having overturned
the Constitution of his country, now

offers us the cruel alternative either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined depotism of the sword and the priesthood.

It has sacrificed our welfare to the state of Coahuila, by which our interests have been continually depressed through a jealous and partial course of legislation carried on at a far distant seat of government, by a hostile majority, in an unknown tongue; and this too, notwithstanding we have petitioned in the humblest terms, for the establishment of a separate State Government, and have, in accordance with the provisions of the national Constitution, presented to the general Congress a republican Constitution which was, without just cause contemptuously rejected.

It incarcerated in a dungeon, for a long time, one of our citizens, for no other cause but a zealous endeavor to procure the acceptance of our Constitution and the establishment of a State Government.

It has failed and refused to secure on a firm basis, the right of trial by jury; that palladium of civil liberty, and only safe guarantee for the life, liberty, and property of the Citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain) and, although, it is an axiom, in political science, that unless a people are educated and enlightened it is idle to expect the continuance of civil liberty, or the capacity for self government.

It has suffered the military commandants stationed among us to exercise arbitrary acts of oppression and tyranny; thus trampling upon the most sacred rights of the citizen and rendering the military superior to the civil power.

It has dissolved by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government; thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the Interior for trial, in contempt of the civil authorities, and in defiance of the laws and the Constitution.

It has made piratical attacks upon

our commerce, by commissioning foreign desperadoes, and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own conscience; by the support of a national religion calculated to promote the temporal interest of its human functionaries rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defense, the rightful property of free men, and formidable only to tyrannical governments.

It has invaded our country, both by sea and by land, with intent to lay waste our territory and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage, with the tomahawk and scalping knife, to massacre the inhabitants of our defenseless frontiers.

It hath been, during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions; and hath continually exhibited every characteristic of a weak, corrupt and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas until they reached that point at which forbearance ceases to be a virtue. We then took up arms in defense of the national Constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the Interior. We are, therefore, forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government—that they are unfit to be free and incapable of self government.

The necessity of self-preservation, therefore, now decrees our eternal political separation.

We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our political connection with the Mex-

ican nation has forever ended; and that the people of Texas do now constitute a free sovereign and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

(Signed):

Richard Ellis, President
 Charles B. Stewart
 Thomas Barnett
 James Collingsworth
 Edwin Waller
 Asa Brigham
 John S. D. Byrom
 Francisco Ruiz
 Jose Antonio Navarro
 Jessie B. Badgett
 William D. Lacey
 William Meniffee
 John Fisher
 Mathew Caldwell
 J. William Motley
 Lorenzo de Zavala
 Stephen H. Everitt
 George W. Smyth
 Elijah Stapp
 Claiborne West
 William B. Scates
 M. B. Menard
 A. B. Hardin
 J. W. Bunton
 Thomas J. Gazley
 R. M. Coleman
 Sterling C. Robertson
 George C. Childress
 Bailey Hardeman
 Robert Potter
 Thomas Jefferson Rusk
 Charles S. Taylor
 John S. Roberts
 Robert Hamilton
 Collin McKinney
 Albert H. Latimer
 James Power
 Sam Houston
 David Thomas
 Edward Conrad
 Martin Parmer
 Edward O. LeGrand
 Stephen W. Blount
 James Gaines
 William Clark, Jr.
 Sydney O. Pennington
 William Carroll Crawford
 John Turner
 Benjamin B. Goodrich
 G. W. Barnett
 James G. Swisher
 Jesse Grimes
 S. Rhoads Fisher

John W. Moore
 John W. Bower
 Samuel A. Maverick
 Sam P. Carson
 A. Briscoe
 James B. Woods

Message from the House

Hall of the House of Representatives
 Austin, Texas,
 March 2, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 44, A bill to be entitled "An Act to amend Section 6 of Article 3.39 of Chapter 3 of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of 1955, 54th Legislature, page 916, Chapter 363, Section 12) to regulate the investment of the funds of Life Insurance Companies in Building and Loan and Savings and Loan Associations; and declaring an emergency."

H. B. No. 71, A bill to be entitled "An Act relating to the liability of the Association for compensation for occupational disease, amending Section 7 of Chapter 113, Acts of the Fiftieth Legislature, Regular Session, 1947, (codified as Section 25, Article 8306, of the Revised Civil Statutes of Texas, 1925), so as to extend the period of liability for an occupational disease caused by exposure to x-rays or radioactive substances; and declaring an emergency."

H. B. No. 96, A bill to be entitled "An Act providing for service of process on non-residents; providing that this Act shall not repeal but shall be cumulative of existing statutes; providing for severability; and declaring an emergency."

H. B. No. 47, A bill to be entitled "An Act adding Articles 879h-1, 879h-2 and 879h-3 to Article 879 of the Penal Code of Texas, providing for an archery season on turkey, deer, bear and javelina; forbidding possession of a firearm or crossbow while hunting during said season; regulating the use of bow and arrows in hunting said wild game; providing for a penalty for violation; repealing all laws in conflict; and declaring an emergency."

H. B. No. 54, A bill to be entitled "An Act creating a Court of Domestic Relations in Nueces County, providing the qualifications and compensation of the judge; providing for the jurisdiction of said court; providing for the transfer of cases to and from said court; providing for said judge and the District Judges of said County sitting for each other in cases coming within their jurisdiction; providing for the filing of said cases in said court; providing for the services of certain county and district officers for said court; providing said court being a court of record, holding court in Nueces County, having a seal and maintaining necessary records; providing for issuance of writs and punishment for contempt; providing for a court reporter; providing for terms of court; providing for membership of the Juvenile Board, its powers and duties, providing for appeal; providing the procedure in said court; containing a savings clause and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

**Remarks of Senator Hardeman and
The Declaration of Texas Independence
Ordered Printed in the Journal**

On motion of Senator Secrest and by unanimous consent the remarks of Senator Hardeman and The Texas Declaration of Independence were ordered printed in the Journal.

Senate Bill 181 on Second Reading

Senator Krueger moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 181 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Herring
Baker	Hudson
Bradshaw	Kazen
Colson	Krueger
Dies	Lane
Fly	Martin
Hardeman	Moffett
Hazlewood	Moore

Parkhouse	Secrest
Phillips	Smith
Rathiff	Weinert
Reagan	Willis
Roberts	Wood

Absent—Excused

Crump	Gonzalez
Fuller	Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 181, A bill to be entitled "An Act amending Section 1, Chapter 291, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended by Chapter 356, Acts of the Fifty-fifth Legislature, Regular Session, 1957; providing for revision and compilation of Abstract Volumes by the Commissioner of the General Land Office; providing for the distribution of such volumes; providing for the sale of surplus volumes; providing for payment of moneys received from such sales into the General Revenue Fund; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 181 on Third Reading

Senator Krueger moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 181 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Baker	Moore
Bradshaw	Parkhouse
Colson	Phillips
Dies	Rathiff
Fly	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

Absent—Excused

Crump	Gonzalez
Fuller	Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Baker	Moore
Bradshaw	Parkhouse
Colson	Phillips
Dies	Ratliff
Fly	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Martin	

Absent—Excused

Crump	Gonzalez
Fuller	Owen

Senate Resolution 141

Senator Baker offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Girl Scout Troop No. 547 from Deady Junior High School, Houston, Texas, accompanied by their sponsors, Mrs. Brooks Woolford, Jr., and Mrs. E. E. Cain; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Baker by unanimous consent presented the Girl Scouts and sponsors to the Members of the Senate.

Motion to Place Senate Bill 96 on Second Reading

Senator Reagan moved that Senate

Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 96 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—24

Aikin	Lane
Bradshaw	Martin
Colson	Moffett
Dies	Phillips
Gonzalez	Ratliff
Fly	Reagan
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Present—Not Voting

Baker	Roberts
Parkhouse	

Absent

Moore

Absent—Excused

Crump	Owen
Fuller	

Senate Resolution 142

Senator Willis offered the following resolution:

Whereas, The Alamo, the Battleship Texas, San Jacinto State Park and Fannin State Park are now governed by the Daughters of the Republic of Texas, the Battleship Texas Commission, the San Jacinto State Park Commission and the Fannin State Park Commission; and

Whereas, These Commissions, composed of patriotic Texans have been doing an excellent job and have maintained the Alamo, the Battleship Texas, San Jacinto State Park and Fannin State Park in excellent condition; now, therefore, be it

Resolved, That the Senate of Texas commend these governing boards for the excellent job they are doing, and that copies of this Resolution be mailed to the officer in charge of each organization.

The resolution was read and was adopted.

Senate Resolution 143

Senator Rogers offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. John Henderson of Friona, Parmer County, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Adjournment

On motion of Senator Parkhouse the Senate at 11:18 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

TWENTY-SEVENTH DAY

(Tuesday, March 3, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Rathiff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Fuller	Owen
Moore	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, Our Father, as Thy spirit moved over the earth while it was without form and void, so may Thy spirit move over this Senate now,

bringing order where there is confusion, and out of the darkness, let there be light, that we may walk in the ways of righteousness for Thy name sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Roberts.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Wood.

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 87, A bill to be entitled "An Act amending Subdivision 106 of Article 199, Revised Civil Statutes of Texas, 1925, as amended, reorganizing the 106th Judicial District of Texas; creating the 121st Judicial District of Texas to be composed of the counties of Terry, Dawson, Gaines and Yoakum, and providing for the terms of said Judicial Districts; providing for the appointment of a judge and a district attorney for the 121st Judicial District; providing for the 121st and 106th Judicial Districts to have concurrent jurisdiction over the counties of Terry and Dawson; providing for the impanelling of Grand Juries in Counties of Terry and Dawson; providing for the removal of cases and proceedings from the 106th Judicial District to the 121st Judicial District; providing for the transfer of cases between the 106th Judicial District and 121st Judicial District in the Counties of Terry and Dawson, providing for the transfer of all writs, processes, bonds, bail bonds, recognizances, complaints, in-